

# STATE OF NEW YORK

9152

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. GLICK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the labor law, in relation to enacting the "crash victims bill of rights"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "crash  
2 victims bill of rights".

3 § 2. The vehicle and traffic law is amended by adding a new section  
4 607 to read as follows:

5 § 607. Reports; injured or killed persons. Any report of an accident  
6 required under this article or under the rules and regulations of the  
7 commissioner, in which any person is killed or injured shall be  
8 provided, free of charge, to all persons injured as a result of such  
9 accident, and to the next of kin of all persons killed as a result of  
10 such accident. Each such report shall be provided within ten business  
11 days of its receipt by the commissioner.

12 § 3. Subdivision 1 of section 227 of the vehicle and traffic law, as  
13 amended by chapter 337 of the laws of 1970, is amended to read as  
14 follows:

15 1. a. Every hearing for the adjudication of a traffic infraction, as  
16 provided by this article, shall be held before a hearing officer  
17 appointed by the commissioner. The burden of proof shall be upon the  
18 people, and no charge may be established except by clear and convincing  
19 evidence. The commissioner may prescribe, by rule or regulation, the  
20 procedures for the conduct of such hearings.

21 b. The commissioner shall prescribe, by rule or regulation, procedures  
22 for presentation of victim impact statements by individuals injured  
23 during the course of a traffic infraction, or in the case of a death  
24 resulting from such traffic infraction, from the deceased's next of kin,  
25 at hearings for the adjudication of a traffic infraction under this  
26 section.

27 § 4. The labor law is amended by adding a new section 202-n to read as  
28 follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14446-02-2

1     § 202-n. Leave of absence for traffic hearings; impact statements. 1.  
2     For the purposes of this section, the following terms shall have the  
3     following meanings:

4     (a) "Employee" means a person who performs services for hire for an  
5     employer, for an average of twenty or more hours per week, and includes  
6     all individuals employed at any site owned or operated by an employer,  
7     but shall not include an independent contractor.

8     (b) "Employer" means a person or entity that employs twenty or more  
9     employees at at least one site and includes an individual, corporation,  
10    partnership, association, nonprofit organization, group of persons,  
11    county, town, city, school district, public authority or other govern-  
12    mental subdivision of any kind.

13    2. An employer shall grant a leave of absence to an employee providing  
14    an impact statement at a traffic infraction adjudication hearing under  
15    section two hundred twenty-seven of the vehicle and traffic law, and who  
16    is eligible to do so pursuant to rules and regulations promulgated  
17    pursuant to paragraph b of subdivision one of such section. The length  
18    of such leave shall not exceed four work hours, unless otherwise agreed  
19    to by such employer.

20    3. An employer shall not retaliate against an employee for requesting  
21    or obtaining a leave of absence as provided by this section for the  
22    purpose of providing a victim impact statement at a traffic infraction  
23    adjudication hearing under section two hundred twenty-seven of the vehi-  
24    cle and traffic law.

25    4. The provisions of this section shall not prevent an employer from  
26    granting a leave of absence to an employee providing a victim impact  
27    statement at a traffic infraction adjudication hearing under section two  
28    hundred twenty-seven of the vehicle and traffic law in addition to leave  
29    allowed under any other provision of law. The provisions of this section  
30    shall not affect an employee's rights with respect to any other employee  
31    benefit otherwise provided by law.

32    § 5. This act shall take effect on the one hundred eightieth day after  
33    it shall have become a law.